

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

----- X  
THE LINCOLN LIFE & ANNUITY COMPANY

Plaintiff,

- against -

08-CV-699 (TCP) (WDW)

**NOTICE OF MOTION**

H. THOMAS MORAN, II, Court Appointed  
Receiver of LYDIA CAPITAL, LLC,

Defendants/Third-Party Plaintiff,

HELEN GISONNI; EVE-LYNN GISONNI;  
ZALMAN SILBER, SBH PROGRAMS, LLC; SBH  
FINANCIAL; FREDERICK SCHULMAN;  
SILBER FAMILY FOUNDATION; STAMFORD  
INSTITUTIONAL FUND 2005A, LLC;  
STAMFORD PORTFOLIO MANAGEMENT,  
LLC; THE STAMFORD GROUP, INC.; ARGYLE  
EQUITY, INC.; DUDZIC LAW FIRM, LLC;  
INTERNATIONAL PARTNERS FOR LIFE  
CORPORATION,

Third-Party Defendants.

----- X

Please take notice, upon the affirmation of Thomas M. Smith, Esq., and upon the Exhibits annexed thereto, Kardaras & Kelleher LLP will move before the Hon. Honorable William D. Wall, United States Magistrate Judge on the 15<sup>th</sup> day of January, 2010 at the Courthouse, 100 Federal Plaza, Central Islip, NY 11722 at 9:30 a.m. or as soon thereafter as counsel may be heard for an order relieving the firm of Kardaras & Kelleher LLP as attorneys of record for the Third Party Defendant International Partners for Life Corporation and for such other and further relief as to this court may seem just and equitable.

Dated: New York, New York  
December 28, 2009

Respectfully yours,

KARDARAS & KELLEHER LLP  
Attorneys for Third Party Defendant  
International Partners for Life Corporation

By: s/  
Thomas M. Smith, Esq. (TS-9962)  
44 Wall Street, 16th Floor  
New York, New York 10005-1303  
Tel: (212) 785-5050  
Fax: (212) 785-5055

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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THE LINCOLN LIFE & ANNUITY COMPANY

Plaintiff,

- against -

08-CV-699 (TCP) (WDW)

**AFFIRMATION IN SUPPORT**

H. THOMAS MORAN, II, Court Appointed  
Receiver of LYDIA CAPITAL, LLC,

Defendants/Third-Party Plaintiff,

HELEN GISONNI; EVE-LYNN GISONNI;  
ZALMAN SILBER, SBH PROGRAMS, LLC; SBH  
FINANCIAL; FREDERICK SCHULMAN;  
SILBER FAMILY FOUNDATION; STAMFORD  
INSTITUTIONAL FUND 2005A, LLC;  
STAMFORD PORTFOLIO MANAGEMENT,  
LLC; THE STAMFORD GROUP, INC.; ARGYLE  
EQUITY, INC.; DUDZIC LAW FIRM, LLC;  
INTERNATIONAL PARTNERS FOR LIFE  
CORPORATION,

Third-Party Defendants.

----- X

Thomas M. Smith, Esq. an attorney admitted to practice before the courts of this state  
hereby affirms the truth of the following under penalties of perjury:

1. I am attorney at the law firm of Kardaras & Kelleher LLP the attorneys of record  
for the Third Party Defendant International Partners for Life Corporation. This affirmation is  
submitted in support of the application by Kardaras & Kelleher LLP to be relieved as counsel of  
record for the Third Party Defendant International Partners for Life Corporation.

2. This firm was retained by Victor Lansdown to represent International Partners for  
Life Corporation in this litigation.

3. Mr. Lansdown was the president and, upon information and belief, the sole

stockholder of International Partners for Life Corporation. We are unaware if the company has any other employees or officers.

4. In September, 2009 myself and others at the firm attempted to contact Mr. Lansdown by telephone and email. There was, at that time, a pending settlement conference before the court. We were unable to get any reply to our inquiries from Mr. Lansdown.

5. In early October, 2009 we were contacted by a friend of Mr. Lansdown's (Ms. Kim Arnett) who advised us that Victor Lansdown had died.

6. I inquired of Ms. Arnett if there would be anyone would be winding up the corporate affairs or if any attorney had been appointed for his estate. Ms. Arnett was not sure who, if anyone, would be taking care of the decedent's business affairs.

7. We did write to our client on October 5, 2009. A redacted copy of that letter is annexed as Exhibit A. The redactions concern our assessment of the case and possible settlement.

8. We received no response to our letter dated October 5, 2009.

9. A copy of our retainer agreement is annexed hereto as Exhibit B.

10. In addition to the foregoing, our outstanding bill has not been paid.

11. I was able to find on the internet a death notice for Mr. Lansdown purportedly from the Toronto Star newspaper. See Exhibit C annexed.

12. Mr. Lansdown was a resident of Canada.

13. We have been unable to communicate with our client International Partners for Life Corporation for several months and our fees have not been paid. We respectfully request that this firm be relieved as counsel of record for the Third Party Defendant International Partners for Life Corporation.

Wherefore, it is respectfully requested that an order be entered relieving the firm of Kardaras & Kelleher LLP as attorneys of record for the Third Party Defendant International Partners for Life Corporation and for such other and further relief as to this court may seem just and equitable.

Dated: New York, New York  
December 28, 2009

Respectfully yours,

KARDARAS & KELLEHER LLP  
Attorneys for Third Party Defendant  
International Partners for Life Corporation

By: s/  
Thomas M. Smith, Esq. (TS-9962)  
44 Wall Street, 16th Floor  
New York, New York 10005-1303  
Tel: (212) 785-5050  
Fax: (212) 785-5055

**CERTIFICATE OF SERVICE**

I hereby certify that on December 28, 2009, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

William S. Gyves	<u>wgyves@entwistle-law.com</u>
Ira S. Lipsius	<u>Iral@sfl-legal.com;blevine@sfl-legal.com;dbenhaim@sfl-legal.com;gkramer@sfl-legal.com</u>
Joseph N. Campolo	<u>jcampolo@cmnallp.com</u>
Karl E. Robinson	<u>krobinson@winthrop.com;emulvaney@winthrop.com</u>
Alix R. Rubin	<u>arubin@entwistle-law.com;edehart@entwistle-law.com</u>
Justin C. Frankel	<u>jcf@frankelnewfield.com</u>
Nolan Edward Shanahan	<u>nshanahan@coleschotz.com</u>
Thuy Trang Bui	<u>thuy.bui@dbr.com;thuybui@yahoo.com</u>
Melvin McVay	<u>mrmcvay@phillipsmcfall.com;mrmcvay@phillipsmurrah.com;vrjenkins@phillipsmurrah.com</u>
Douglas Todd	<u>dmtodd@phillipsmurrah.com;pjbrown@phillipsmurrah.com</u>
Shannon Emmons	<u>skemmons@phillipsmurrah.com;lalong@phillipsmurrah.com</u>

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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THE LINCOLN LIFE & ANNUITY COMPANY,

Plaintiff,  
- against -

08-CV-699 (TCP) (WDW)

**AFFIDAVIT OF SERVICE**

H. THOMAS MORAN, II, Court Appointed  
Receiver of LYDIA CAPITAL, LLC.,

Defendants/Third-Party Plaintiff,

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STAMFORD PORTFOLIO MANAGEMENT,  
LLC; THE STAMFORD GROUP, INC.; ARGYLE  
EQUITY, INC.; DUDZIC LAW FIRM, LLC;  
INTERNATIONAL PARTNERS FOR LIFE  
CORPORATION,

Third-Party Defendants.

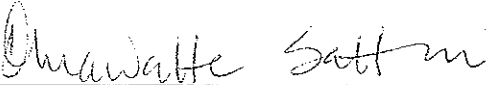
----- X  
STATE OF NEW YORK     )  
                                  : ss.:  
COUNTY OF NEW YORK    )

The undersigned being duly sworn, deposes and says:

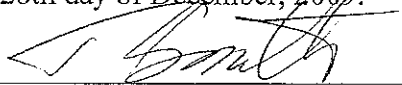
Deponent is not a party to the action, is over 18 years of age and resides in Queens, NY;  
that on December 28, 2009 deponent served the annexed Notice of Motion, Affirmation In  
Support and Exhibits upon:

International Partners for Life Corp.  
918 Cooperage Way  
Suite 306  
Vancouver, BC VB0A7

by depositing a true copy of same enclosed in a properly addressed wrappers, under the exclusive care and custody of the United States Postal Service in the State of New York.

  
\_\_\_\_\_  
Omawatte Sattar

Sworn to before me this  
28th day of December, 2009:

  
\_\_\_\_\_  
Notary Public

Thomas M. Smith  
Notary Public State of New York  
No. 02SM6657422  
Qualified in New York County  
Commission Expires April 16th 2011



EXHIBIT A

October 5, 2009

International Partners for Life Corp.  
388 Drake Street  
Suite 2101  
Vancouver, BC V6B 6A8

International Partners for Life Corp.  
918 Cooperage Way  
Suite 306  
Vancouver, BC VB0A7

Re: Lincoln Life & Annuity Company v. Moran et al  
2:08 CV-699 E.D.N.Y.  
Our Ref.: 14634

Dear Sirs:

We were saddened to hear of the passing of Mr. Lansdown. This firm had been retained by him to represent International Partners for Life Corp. in the above captioned action now pending in U.S. District Court for the Eastern District of New York. Please advise us at your earliest opportunity the name and the contact information for the person or persons who will be involved in winding up the affairs of International Partners for Life Corp.

We provide herewith our recent status on this matter.

Faithfully yours,

KARDARAS & KELLEHER LLP

By: \_\_\_\_\_  
Thomas M. Smith

TMS:os

EXHIBIT B

**KARDARAS & KELLEHER LLP**

ATTORNEYS AT LAW  
44 WALL STREET, 16<sup>TH</sup> FLOOR  
NEW YORK, NEW YORK 10005

TELEPHONE  
(212) 785-5050

TELEFAX  
(212) 785-5055

WEBSITE: WWW.KKNYLAW.COM

WASHINGTON, D.C.  
1276 N. WAYNE STREET  
UNIT 322  
ARLINGTON, VA 22201  
TELEPHONE: (703) 598-4521  
TELEFAX: (703) 528-3067

March 6, 2009

**RETAINER AGREEMENT**

INTERNATIONAL PARTNERS FOR LIFE CORP.

388 Drake Street Suite 2101

Vancouver, BC V6B6A8

Attention: Victor Lansdown

Phone: 604-899-6261

Fax: 604-899-6225

email: [internationalpartners@novuscom.net](mailto:internationalpartners@novuscom.net)

Dear Mr. Lansdown:

We are pleased to confirm that INTERNATIONAL PARTNERS FOR LIFE CORP. 388 Drake Street, Suite 2101, Vancouver, BC V6B6A8 have retained KARDARAS & KELLEHER LLP to represent your legal interests in connection with pending litigation in a third-party claim captioned Lincoln Life and Annuity vs. H Thomas Moran II Reciever, pending in the United States District Court for the Eastern District of New York 08-CV-699. Kardaras & Kelleher LLP has not been retained to represent you generally or in connection with any other matter. Representation in any other matter will require a separate agreement.

It is anticipated that the subject matter will involve legal fees and costs in connection with the pending litigation referenced above. Kardaras & Kelleher LLP cannot guarantee what legal fees and costs will be in this matter, since we cannot control the conduct of the other parties to the dispute.

We will render monthly statements to you for legal services based upon our hourly time charges (currently \$300/hour for partners \$250/hour for associates and \$75/hour for our law clerks and paralegals). Our rates are subject to change over time. We will discuss with you any change in rate prior to making such change. Thomas M. Smith, Esq. is the attorney who will be primarily responsible for your file.

In addition to our fee for legal services rendered, we will include in our monthly statement all out of pocket disbursements incurred by us on your behalf, if any. Typically these disbursements include photocopying, fees for legal research such as Westlaw, court filing fees, court reporter's fees, expert witness fees, long distance telephone and telefax, postage and delivery services, travel expenses and staff overtime expenses, when required.

Our monthly statements for legal services rendered will reflect the amount of our charges during the previous month. We require an initial retainer in the sum of \$4,000.00 (four thousand dollars). You will be asked to replenish the retainer amount if the balance is less than \$2,000.00 (two thousand dollars). If this agreement is terminated by you or by us then any unused portion of the retainer will be returned to you. We reserve the right to seek additional or greater retainer amounts if it appears during the course of the litigation that significant amounts of time or expense are anticipated or will be incurred. We will, of course discuss this with you in advance.

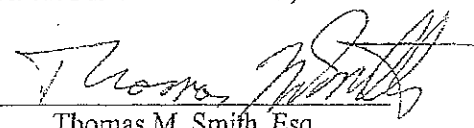
You shall have the right to terminate our services upon written notice to that effect. We shall have the right to terminate our services upon written notice to that effect, in the event you fail to cooperate with us in any way we may reasonably request or if you fail to timely pay our statements.

Please confirm that the foregoing is a correct reflection of our agreement by signing and returning a copy of this letter to us, along with the retainer check.

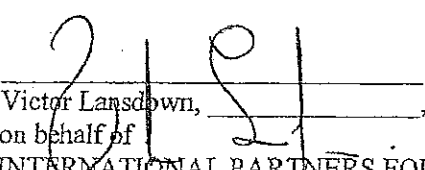
We look forward to working with you on these matters.

Very truly yours,  
KARDARAS & KELLEHER, LLP

By:

  
Thomas M. Smith, Esq.

Accepted and agreed to this  
6<sup>th</sup> day of March, 2009

  
Victor Lansdown,  
on behalf of

INTERNATIONAL PARTNERS FOR LIFE CORP..

*will send out cheque today.*

\_\_\_\_\_  
NOTARY PUBLIC

EXHIBIT C

### Victor Gregory Lansdown

LANSDOWN, Victor Gregory - On Tuesday, September 15, 2009, Victor passed away with his best friends at his side. Throughout his battle, Victor showed incredible courage, dignity and strength. He was so full of life and had so much to give. He was far too young. Victor was kind and generous to those who knew him well, nothing was too much trouble. One in a million! Predeceased by his mother Maureen Lansdown; his very special dog Fere; Alex the cat and Mom Norma "Norm" Arnett. He leaves behind his best friend (BFF) of close to 30 years, Kim Arnett, her husband and close friend and confidant, Don Burton. Extended family Jim Arnett, Deb and Paul Stetson, Gray Arnett, Sam and Greg Row and many nieces, nephews and good friends. Victor was dearly loved and cared about by each and everyone of us. Our memories of him will last a lifetime. Friends and family are welcome to join us on Saturday, November 28, 2009 at 1 p.m. at the home Lyn and Gord Gallagher, 1014 Guys Road, Bala, Ontario for a Celebration of Victor's life. If desired, memorial donations to the Canadian Cancer Society for Leukemia Research would be appreciated. Arrangements entrusted to the W. J. Cavill Funeral Home, 705-687-3242, Gravenhurst, Ontario.

Published in the Toronto Star on November 21, 2009